

## **REMARKS**

Applicants thank the Examiner for her helpful telephonic discussion with the undersigned agent on April 19, 2010, in which the Examiner and agent discussed the proposed addition of new claims. The substance of this discussion is described further below.

### **Amendments to the Specification**

Applicants have amended the specification to clarify and combine the priority claim references. None of the amendments adds new matter.

### **Amendments to the Claims**

Applicants have canceled claims 2-22, 24-27 and 29-47 without prejudice. Applicants expressly reserve their right to pursue the canceled subject matter in one or more continuing applications that claim priority under 35 U.S.C. § 120 from this application.

Claim 1 has been amended to insert the name of the targeted gene. Support for this amendment can be found in the application as filed, see, *e.g.*, page 42, lines 21-23; and page 58, Table SS4.1. Claim 26 has been rewritten as a dependent claim. Claim 27 has been amended to specify that the disease may be eye cancer. Support for this amendment can be found in the application as filed, see, *e.g.*, page 11, lines 5-7.

Applicants have inserted new claims 48-66. Support for the new claims can be found throughout the application as filed, for example:

Claim no.	Location in WO 05/76998 (PCT/US05/03857)
48	Page 6, lines 14-32; page 10, lines 25-29; page 12, lines 6-9; page 20, lines 1-15
49	Page 6, lines 14-32; page 10, lines 25-29; page 12, lines 6-9; page 20, lines 1-15
50	Page 6, lines 11-31; page 20, lines 1-15
51	Page 4, lines 28-32; page 10, line 28; page 17, lines 20-22; page 18, lines 29-33; page 20, lines 1-15; pages 46-61, Tables SS1.1 – SS6.4
52	Page 13, lines 3-14
53	Page 5, line 32 – page 6, line 4; page 12, line 33 – page 13, line 2; page 20, line 17 – page 24, line 4
54	Page 20, line 17 – page 24, line 4

Claim no.	Location in WO 05/76998 (PCT/US05/03857)
55	Page 5, line 32 – page 6, line 4; page 20, line 17 – page 24, line 4
56	Page 5, line 32 – page 6, line 4; page 20, line 17 – page 24, line 4
57	Page 20, line 17 – page 24, line 4
58	Page 20, line 17 – page 24, line 4
59	Page 13, lines 24-30; page 58, Table SS4.1
60	Page 5, lines 17-20; page 13, lines 25-27
61	Page 5, lines 17-20; page 10, lines 25-29; page 12, lines 2-4; page 15, lines 9-11
62	Page 12, lines 4-6; page 14, lines 7-12; page 58, Table SS4.1
63	Page 12, lines 4-6; page 15, lines 11-12
64	Original claim 1; page 5, lines 21-25
65	Page 5, lines 26-31; page 17, line 15 – page 18, line 4; page 58, Table SS4.1
66	Original claim 23; page 5, lines 26-31; page 10, lines 21-25
67	Original claim 28; page 6, lines 5-7; page 11, lines 5-7

Upon entry of the amendments, claims 1, 22, 28 and 48-67 will be pending in the application. Claims 23, 28 and 65-67 are withdrawn. None of the amendments adds new matter.

### **The Restriction Requirement**

The Examiner has required restriction of this application under 35 U.S.C. §§ 121 and 372 to one of the following groups:

- I. Claims 1-6, 8-11, 13, 14, 16-19, 21 and 22, drawn to a composition comprising at least one dsRNA oligonucleotide that inhibits VEGF pathway genes that are pro-angiogenesis genes;
- II. Claims 1-5, 7-11, 13, 15-19, 21 and 22, drawn to a composition comprising at least one dsRNA oligonucleotide that inhibits FGF pathway genes;
- III. Claims 1-5, 9, 12, 13, 17 and 20-22, drawn to a composition comprising at least one dsRNA oligonucleotide that inhibits pro-inflammatory genes;
- IV. Claims 1-5, 10, 12, 13, 18 and 20-22, drawn to a composition comprising at least one dsRNA oligonucleotide that inhibits herpes simplex virus genes;
- V. Claims 23-31, 33-36, 38, 39, 41-44, 46 and 47 drawn to a method for treating ocular disease comprising administering a dsRNA oligonucleotide that inhibits VEGF pathway genes;
- VI. Claims 23-30, 32-36, 38, 40-44, 46 and 47 drawn to a method for treating ocular disease comprising administering a dsRNA oligonucleotide that inhibits FGF pathway genes;

VII. Claims 23-30, 34, 37, 38, 42 and 45-47 drawn to a method for treating ocular disease comprising administering a dsRNA oligonucleotide that inhibits pro-inflammatory genes; or

VIII. Claims 23-30, 35, 37, 38, 43 and 45-47 drawn to a method for treating ocular disease comprising administering a dsRNA oligonucleotide that inhibits herpes simplex virus genes.

The Examiner asserts that the inventions listed as Groups I-VIII do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features.

Applicants hereby elect the claims of the Group I for initial substantive examination. Applicants have amended claim 1 to refer to a composition comprising a dsRNA oligonucleotide that targets a Bcl-2 A1 gene and a pharmaceutical carrier, wherein upon administration to a subject suffering from an ocular disease said dsRNA inhibits expression of the Bcl-2 A1 gene. During the April 19, 2010 telephonic discussion, applicants proposed adding new claims to compositions and methods related to treatment of ocular disease by targeting a gene not recited in the original claims, but recited in the application as filed. The Examiner suggested that the newly added claims be written to depend from at least one of claims 1-5. Accordingly, applicants have added new claims 48-58 depending from claim 1, as amended, and claims 59-67, drawn to a nucleic acid molecule targeting the gene recited in claim 1, as amended. Applicants believe that, after the amendments submitted herein, claims 1 and 48-64 read on the elected invention.

Applicants make these elections expressly without waiver of their right to file for and to obtain claims directed to the non-elected subject matter in continuing applications claiming priority and benefit herefrom, or, subject to allowance of the product claims, to rejoin

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the process claims depending from or otherwise including all the limitations of the allowable  
product claims in this application.

**CONCLUSION**

Applicants request favorable consideration of the application and early allowance of the pending claims. To that end, the Examiner is invited to telephone the undersigned to discuss any issue pertaining to this reply.

Respectfully submitted,

/Alla Brukman/

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